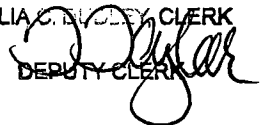


MAR 31 2015

JULIA C. BUDDEY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DONELL J. BLOUNT, SR.,	)	CASE NO. 7:14CV00007
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
	)	
SGT. ERIC MILLER, <u>ET AL.</u> ,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Defendant(s).	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. The motion for summary judgment (ECF No. 30) filed by Defendants Collins, Franklin, Hall, Miller, Still, and Williams is **GRANTED IN PART AND DENIED IN PART**; the motion is **DENIED** as to: the excessive force claim against Williams and Miller, and the deliberate indifference and due process claims against Miller, Collins, Still, and Hall, arising from Blount's 18-hour term in ambulatory restraints on November 5 and 6, 2013; and the deliberate indifference claim against Defendants Rose and Wood for allegedly giving Blount empty meal trays for six consecutive meals on October 9 and 10, 2013; but the motion is **GRANTED** as to all other claims and defendants;
2. The motions for summary judgment (ECF Nos. 50 & 62) filed by Defendants Rose and Wood are **GRANTED IN PART AND DENIED IN PART**; the motions are **DENIED** as to plaintiff's Eighth Amendment claim that Rose and

Wood gave him empty meal trays for six consecutive meals in October 2013; but the motions are **GRANTED** as to all other claims;

3. Plaintiff's motions to amend to add Warden Mathena and Lt. Stanley as defendants (ECF Nos. 41 & 74) are **GRANTED**, and the clerk shall add these individuals to the docket in place of Defendants John Doe 1 & 2; but all claims against Mathena and Stanley are summarily **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim;<sup>1</sup>
4. Plaintiff's motion for summary judgment (ECF No. 61) is **DENIED**;
5. Defendants John Doe 3-5 are **DISMISSED** without prejudice under 28 U.S.C. § 1915A(b)(1), because the complaint fails to allege facts concerning actions undertaken by these individuals in violation of plaintiff's constitutional rights; and
6. The clerk is **DIRECTED** to set this matter for trial before a seven-member jury in Big Stone Gap, Virginia, at the court's earliest convenience.

ENTER: This 31<sup>st</sup> day of March, 2015.



\_\_\_\_\_  
Chief United States District Judge

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<sup>1</sup> The clerk will terminate Defendants Mathena, Stanley, Franklin, and John Does 3-5 as parties to the case.